



# State of South Carolina

## Office of the Governor

MARK SANFORD  
GOVERNOR

Post Office Box 12267  
COLUMBIA 29211

June 2, 2009

The Honorable André Bauer  
President of the Senate  
State House, First Floor, East Wing  
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval S. 453, R. 70, which makes four separate changes related to livestock and poultry regulation, fee impositions for runoff control, and performance enhancing drugs for polo horses.

This legislation originally placed a limitation on local governments from regulating the care and handling of livestock and poultry. We understand the purpose of this section was to prevent a circumvention of the Right to Farm Act, which became law in 2006. Had the bill remained solely about this, we would have followed the same course here. Unfortunately, that is not the case.

In the process of passing this legislation, three additional sections were added to the bill. Each section addresses a very distinct issue from local fees on runoff management to performance enhancing drugs for polo horses. Section Three, which creates an unprecedented restriction on permit appeals, has brought about this veto.

Specifically, the bill would allow only property owners and residents within a two mile radius of livestock or poultry operations to have the right to appeal a permit issued by the Department of Health and Environmental Control (DHEC). Through our research, we have found no other size restriction imposed on any other DHEC permitting process. We think this legislation sets a dangerous precedent that should not be repeated.

When the Right to Farm Act was presented to us in 2006, the supporters of the legislation wanted a uniform set of standards to be imposed statewide. Those standards, they argued, were being modified in various ways, in various counties, creating problems for the industry. Typically, this

The Honorable André Bauer  
Page Two  
June 2, 2009

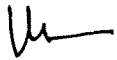
administration has taken a strong 'home rule' position on matters like this, but given the impact on the industry, we allowed the bill to go into law.

The issue before us is exactly who can appeal permits issued by DHEC. This is relevant because permit issuance does not necessarily affect only the operation in question, but becomes a basis for future permit considerations. For example, a permit issued in Sumter County could be contested by local residents but rejected. The appeals can then be taken through the courts and the decision would have binding power, not just on Sumter County, but on the state as a whole. This legislation would cut off every state resident outside of that area from having a voice in a decision that could very much affect the way business is done in other corners of the state. We do not believe that citizens should be shut out of such serious decisions.

We would urge the General Assembly to reject the notion that we should restrict who can weigh in on statewide permitting decisions by DHEC. This veto should be sustained and if Section One were brought back as a stand-alone bill, we would support it.

For these reasons, I am vetoing and returning S. 453, R. 70.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. Sanford', written in a cursive style.

Mark Sanford